IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 928 of 2007(I)

PETITIONER:

GEORGE JOSEPH, S/O. P.J.JOSEPH,
PALATHINKAL HOUSE, T.C. 24/204,
SASTHAMKOIL ROAD, TRIVANDRUM.

BY ADV. SRI.SIBY MATHEW
SRI.PHILIP J.VETTICKATTU

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
TRIVANDRUM.

2. THE DEPUTY TAHSILDAR (R.R.),
TRIVANDRUM.

3. THE VILLAGE OFFICER,
THYCAD, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN, J.

W.P.(C) NO. 928 OF 2007

Dated this the 9th day of January, 2007

J U D G M E N T

The complaint of the petitioner is that for the recovery of the tax alleged to be due from the father of the petitioner, properties belonging to the petitioner is being proceeded with. It is his contention that his father died in 1994 and the petitioner obtained the property in question as evidenced by Exhibit P2 title deed on 30/09/1991. As such, the property absolutely belongs to the petitioner even before the amount became due and payable and the petitioner has not inherited any property from his father.

2. Heard both sides.

3. Exhibit P4 is a notice of demand prior to attachment issued under Section 34 of the Revenue Recovery Act. Notice is issued to Joseph Palathingal and not to the petitioner. The defaulter's name is also shown as Sri.Joseph Palathingal. There is no notice of attachment of any property now issued, However, before attaching any property belonging to the petitioner, necessarily a notice has to be issued. In case any notice is issued, the petitioner has got a right to raise his claim before the District

Collector and the District Collector in such circumstances is bound to pass orders before proceeding further with the proceedings. Without prejudice to the right of the petitioner to raise such claim in the event of his property being proceeded with, this writ petition is closed.

4. Copy of this order shall be served on respondents 2 and 3 by the petitioner.

5. Writ petition is closed.

Issue emergent copies.

P.R.RAMAN, JUDGE

Rp